

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ANTONIO THOMAS,)
)
)
)
v.) Civil Action No. 3:20CV110-HEH
)
)
UNITED STATES,)
)
)
Respondent.)

MEMORANDUM OPINION
(Denying § 2255 Motion)

Antonio Thomas, a federal prisoner currently incarcerated in FCI Petersburg, was convicted and sentenced in the United States District Court for the Eastern District of Wisconsin on June 22, 2018. *See United States v. Thomas*, No. 2:17CR57-PP-1 (E.D. Wis. 2018). On February 19, 2020, the Court received from Thomas a portion of a sheet of paper titled, “Petition for a writ of Habeas Corpus under 28. U.S.C. § 2255,” in which he attacks his conviction for “Hobbs act armed robbery and 924(c).” (ECF No. 1.)

A motion pursuant to 28 U.S.C. § 2255 provides the primary means of collateral attack on the imposition of a federal conviction and sentence. *See Pack v. Yusuff*, 218 F.3d 448, 451 (5th Cir. 2000) (*quoting Cox v. Warden, Fed. Det. Ctr.*, 911 F.2d 1111, 1113 (5th Cir. 1990)). Thomas must file a § 2255 motion in the court where he was convicted and sentenced. Accordingly, Thomas’s § 2255 motion is DENIED WITHOUT PREJUDICE.

The Clerk is DIRECTED to forward to Thomas the form for filing a motion under 28 U.S.C. § 2255. Any § 2255 motion that Thomas files must conform to the rules

governing such motions and be sworn to under the penalty of perjury. *See* Rules Governing § 2255 Proceedings for the U.S. District Courts, Rule 2(b). Thomas is also advised that § 2255 motions are subject to a one-year statute of limitations and a restriction against second or successive petitions. *See* 28 U.S.C. § 2255(f), (h). If Thomas desires to file a § 2255 motion at this time, he should complete the form and send it to the United States District Court for the Eastern District of Wisconsin.

An appropriate Order shall issue.



/s/

HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE

Date: Feb. 26, 2020
Richmond, Virginia